

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	12-00075-01-CR-W-DGK
	)	
MARCUS D. GAMMAGE,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on March 12, 2014. Defendant Marcus Gammage appeared in person and with appointed counsel James Brown. The United States of America appeared by Assistant United States Attorneys Bruce Clark and Rebecca Terry.

***I. BACKGROUND***

On March 13, 2012, an indictment was returned charging defendant with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Clark announced that he and Rebecca Terry will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Keith Rosewaren, Independence, Missouri, Police Department. Giovan Aloisio, paralegal, will assist.

Mr. Brown announced that he will be the trial counsel for defendant Marcus Gammage. Jane Francis will assist.

### ***III. OUTSTANDING MOTIONS***

The following motions are pending for ruling by the District Judge:

1. Motion in limine (sealed), which will be filed by the government forthwith.
2. Motion in limine, filed by the government on November 19, 2013 (document number 55),

### ***IV. TRIAL WITNESSES***

Mr. Clark announced that the government intends to call 6 witnesses with stipulations during the trial.

Mr. Brown announced that defendant Marcus Gammage intends to call 3 witnesses during the trial. The defendant may testify.

### ***V. TRIAL EXHIBITS***

Mr. Clark announced that the government will offer approximately 20 exhibits in evidence during the trial.

Mr. Brown announced that defendant Marcus Gammage will offer approximately 30 exhibits in evidence during the trial.

### ***VI. DEFENSES***

Mr. Brown announced that defendant Marcus Gammage will rely on the defense of general denial.

### ***VII. POSSIBLE DISPOSITION***

Mr. Brown stated this case is definitely for trial.

### ***VIII. STIPULATIONS***

Stipulations are likely as to prior felony conviction and interstate nexus of the firearm.

### ***IX. TRIAL TIME***

Counsel were in agreement that this case will take 2 days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 29, 2012, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by March 19, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, March 19, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, March 19, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. There may be an issue on hearsay from a dash-cam - excited utterance.

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on March 24, 2014. The parties request the second week of the docket. Judge Phillips cannot try this case due to a conflict.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
March 12, 2014

---

<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, March 21, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.